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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,190	04/09/2004	Eisuke Sasaoka	50212-589	8219

7590 06/07/2006

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600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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EL SHAMMAA, MARY A

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/821,190	SASAOKA ET AL.	
	Examiner	Art Unit	
	Mary A. El-Shammaa	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Species A, claims 1-7, in the reply filed on 5/3/06 is acknowledged.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 5,936,719).

Regarding claim 1, Johnson discloses an optical transmission line constructing method comprising the steps of connecting a plurality of optical fibers differing from each other in terms of a transmission characteristic; making inspection light incident on an entrance end of the connected plurality of optical fibers; detecting, on the entrance end side, respective return light components of the inspection light occurring at individual positions of the plurality of optical fibers in a longitudinal direction thereof; evaluating a characteristic information distribution of return light in the longitudinal direction of the plurality of optical fibers; and constructing an optical transmission line according to a result of the evaluation (See Abstract; see col. 1, lines 35-67; col. 2, lines 26-57; col. 4, lines 5-58; col. 5, lines 16-38).

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Regarding claim 4, Johnson discloses the transmission characteristic being transmission loss; and wherein the characteristic information is a power level of return light corresponding to the transmission loss (See Abstract; see col. 1, lines 35-67; col. 2, lines 26-57; col. 4, lines 5-58; col. 5, lines 16-38).

Regarding claim 6, Johnson discloses an optical transmission line constructing method comprising the steps of choosing one of a plurality of fibers, included in a first optical cable, differing from each other in terms of a transmission characteristic, and choosing one of a plurality optical fibers, included in a second optical cable, differing from each other in terms of the transmission characteristic; making inspection light incident on respective entrance ends of the chosen optical fibers; detecting, on the entrance end side, respective return light components of the inspection light occurring at individual positions of the plurality of optical fibers in a longitudinal direction thereof; evaluating a characteristic information distribution of return light in the longitudinal direction of the plurality of optical fibers; and constructing an optical transmission line according to a result of the evaluation (See Abstract; see col. 1, lines 35-67; col. 2, lines 26-57; col. 4, lines 5-58; col. 5, lines 16-38).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,936,719).

Regarding claims 2, 3, and 5, Johnson discloses the claimed invention except for the transmission characteristic being a mode field diameter, chromatic dispersion, or frequency shift. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the transmission characteristic be mode field diameter, chromatic dispersion, or frequency shift because these are common traits of optical fibers, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

#### ***Allowable Subject Matter***

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary A. El-Shammaa whose telephone number is 571.272.2469. The examiner can normally be reached on M-F (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAE

May 29, 2006

  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800